

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

**Postdisposition Emergency
Change in Placement Order
with Termination of Parental Rights Notice
(In-Home to Out-of-Home)**

Name _____

Date of Birth _____

Case No. _____

A hearing on the emergency change in placement was held on [Date] _____, which is the effective date of this Order.

The parent(s) are:

Parent #1's name: _____

Date of birth: _____

deceased

Parent #2's name: _____

Date of birth: _____

deceased

THE COURT FINDS:

1. The child/juvenile is currently under a dispositional order.
2. Continuation of residence in the home at this time is is not contrary to the child's/juvenile's welfare.

3. Reasonable efforts to prevent removal and return child/juvenile safely home were [Complete one of the following]
 made by the department or agency responsible for providing services as follows:

 made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home as follows:

 not required under §48.355(2d) and §938.355(2d), Wis. Stats. _____
 required, but good cause was shown why sufficient information is not available to enable the Court to make the necessary findings. This hearing is continued until [Date – Not to exceed 5 days] _____.
 required, but the department or agency responsible for providing services failed to make reasonable efforts.
4. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
 made.
 not required because the child/juvenile does not have siblings in out-of-home care.

- not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.
5. The child/juvenile is subject to the Indian Child Welfare Act, and emergency removal and placement outside of the home is is not necessary to prevent imminent physical damage or harm to the child/juvenile.
6. The placement is certified as a Qualified Residential Treatment Program.
- A. The standardized assessment and recommendation by a qualified individual have been submitted.
1. The needs of the child/juvenile can cannot be met through placement in a foster home.
 2. The placement does does not provide the most effective and appropriate level of care for the child/juvenile in the least restrictive environment.
 3. The placement is is not consistent with the short-term and long-term goals for the child/juvenile, as identified in the permanency plan.
 4. The placement is approved disapproved.
- OR
- B. The agency primarily responsible for providing services will submit the standardized assessment and recommendation by a qualified individual by: _____. [No later than 30 days from date of placement]
7. As to the department or agency recommendation:
- A. The placement location recommended by the department or agency is adopted.
- OR
- B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.
8. The Parent #1 Parent #2 was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the Court to consider as placements for the child/juvenile.
9. The parent(s) who appeared in court have been orally advised of the applicable grounds for termination of parental rights (TPR) and the conditions that are necessary for a safe return to the home or a restoration of visitation rights. Notice Concerning Grounds to Terminate Parental Rights is provided below. Conditions for return/visitation are part of this Order or attached.

THE COURT ORDERS:

The request for emergency change in placement is

1. **DENIED.**
2. **GRANTED.**
- A. The child/juvenile is placed out-of-home at _____ and into the placement and care responsibility of the department in the county where this Order is issued, or the Division of Milwaukee Child Protective Services if this order is issued in Milwaukee County under Ch. 48, which has primary responsibility for providing services.
 - B. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings.
 - The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
 - The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.
 - C. The department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2., Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), Wis. Stats., no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.
 - D. This Order remains in effect pending the change in placement hearing.
3. Other: _____

NOTICE CONCERNING GROUNDS TO TERMINATE PARENTAL RIGHTS

Your parental rights can be terminated against your will under certain circumstances. A list of potential grounds to terminate your parental rights is given below. Those that are check-marked may be most applicable to you, although you should be aware that if any of the others also exist now or in the future, your parental rights can be taken from you.

- Abandonment.** *Any of the following must be proven by evidence that:*
- You have left your child without provision for care or support:
 - and neither parent has been found for 60 days.
 - in a place or manner that exposes your child to substantial risk of great bodily harm or death.
 - You have failed to visit or communicate with your child for:
 - three months or longer after your child has been placed, or continued in a placement, outside your home by a court order.
 - six months or longer after leaving your child with any person, and you know or could discover the whereabouts of your child.
 - A court of competent jurisdiction previously has found that when your child was under one year of age:
 - your child was abandoned, pursuant to §48.13(2), Wis. Stats., or a comparable state or federal law.
 - you intentionally abandoned the child in a place where the child may suffer because of neglect, in violation of §948.20, Wis. Stats., or a comparable state or federal law.
- Continuing Need of Protection or Services.** *As proven by evidence that:*
- A court placed, or continued in a placement, your child outside your home after a judgment that your child is in need of protection or services under §§48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365, Wis. Stats., and:
 - The agency responsible for the care of your child has made a reasonable effort to provide the services ordered by the Court;
 - Your child has been outside your home for a cumulative total period of six months or longer under a court order; and
 - You have failed to meet the conditions established for the safe return of your child to your home.
 - If your child has been placed outside of your home for less than 15 of the most recent 22 months, there is substantial likelihood you will not meet these conditions as of the date on which the child will have been placed outside the home for 15 of the most recent 22 months. [Not including any period your child was a runaway from the out-of-home placement or was residing in a trial reunification home]
 - A court has adjudicated your child in need of protection or services on three or more occasions, under §48.13(3), (3m), (10) or (10m), Wis. Stats. and:
 - In connection with these adjudications, the court has placed your child outside your home pursuant to a court order containing this notice, and
 - You caused the conditions that led to each of the out-of-home placements.
- Continuing Need of Protection or Services (Unborn child).** *As proven by evidence that:*
- A court placed you [as an expectant mother], or continued you in a placement, outside your home after a judgment that your unborn child is in need of protection and services under §§48.345 and 48.347, Wis. Stats.
 - The agency responsible for the care of you and your unborn child has made a reasonable effort to provide the services ordered by the court;
 - Your child stayed outside your home for a cumulative total period of six months or longer under a court order; [Not including time spent outside the home as an unborn child]
 - You have failed to meet the conditions established for the safe return of your child to your home; and,
 - There is a substantial likelihood that you will not meet these conditions within the 9-month period following the fact-finding hearing under §48.424, Wis. Stats.
- Failure to Assume Parental Responsibility.** *As proven by evidence that:*
- You are or may be a parent of a child.
 - You have not had a substantial parental relationship with the child.
- Continuing Parental Disability.** *As proven by evidence that:*
- You are presently an inpatient at a hospital as defined in §50.33(2)(a),(b) or (c), Wis. Stats., a licensed treatment facility as defined in §51.01(2), Wis. Stats., or state treatment facility as defined in §51.01(15), Wis. Stats., on account of mental illness as defined in §51.01(13)(a) or (b), Wis. Stats., or developmental disability as defined in §55.01(2) or (5), Wis. Stats.

- You have been an inpatient for at least two of the last five years before a petition to terminate parental rights is filed.
- Your condition is likely to continue indefinitely.
- Your child is not being provided with adequate care by a parent, guardian, or relative who has legal custody of your child.

Continuing Denial of Periods of Physical Placement or Visitation. *As proven by evidence that:*

- You have been denied periods of physical placement by a court order in an action affecting the family, or have been denied visitation by an order under §§48.345, 48.363, 48.365, 938.345, 938.363, or 938.365, Wis. Stats.
- At least one year has elapsed since the order denying periods of physical placement or visitation was issued and the court has not subsequently modified its order so as to permit you periods of physical placement or visitation.

Child Abuse. *As proven by evidence that:*

You show a pattern of physically or sexually abusive behavior which is a substantial threat to the health of the child who is the subject of the petition; and that:

- You have caused death or injury to a child or children resulting in a felony conviction.
- A child has previously been removed from your home by the court under §48.345, Wis. Stats., after an adjudication that the child is in need of protection or services under §48.13(3) or (3m), Wis. Stats.

Relinquishment. *As proven by evidence that:*

A court of competent jurisdiction has found pursuant to §48.13(2m), Wis. Stats., that you have relinquished custody of your child under §48.195(1), Wis. Stats., when the child was 72 hours old or younger.

Incestuous Parenthood. *As proven by evidence that:*

You are related, either by blood or adoption, to your child's other parent in a degree of kinship closer than 2nd cousin.

Homicide or Solicitation to Commit Homicide of Parent. *As proven by evidence that:*

You have been convicted of the intentional or reckless homicide of the other parent, or solicitation to commit intentional or reckless homicide of the other parent, in violation of §§940.01, 940.02 or 940.05, 939.30, Wis. Stats., or a comparable state or federal law.

Parenthood as a Result of Sexual Assault. *As proven by evidence that:*

- You are or may be the father of a child.
- The child was conceived as the result of a sexual assault in violation of §§940.225(1),(2) or (3), 948.02(1) or (2), or 948.025 or 948.085, Wis. Stats., which you committed against the child's mother during a possible time of conception.

Commission of a Felony Against a Child. *As proven by evidence that:*

- You have been convicted of a serious felony as defined in §48.415(9m)(b), Wis. Stats., against one of your children.
- You have committed child trafficking in violation of §948.051 or a comparable state or federal law involving any child.

Prior Involuntary Termination of Parental Rights to Another Child. *As proven by evidence that:*

- Your child has been adjudicated to be in need of protection or services under §48.13(2),(3) or (10), Wis. Stats. or your child was born after a petition for termination of parental rights under §48.415(10), Wis. Stats., was filed in which a sibling of your child is the subject.
- In the three years prior to the child being adjudicated in need of protective services as specified in §48.415(10)(a), or in the case of a child born after the filing of a petition regarding a sibling as specified in §48.415(10)(a), within three years prior to the date of the birth of the child, a court has ordered the termination of your parental rights with respect to another of your children on one or more grounds specified in §48.415, Wis. Stats.

DISTRIBUTION:

- | | |
|---|---|
| 1. Court | 7. Relative Caregiver/Foster Parent |
| 2. Child/Juvenile | 8. District Attorney/Corporation Counsel |
| 3. Child's/Juvenile's Guardian ad Litem/Adversary Counsel | 9. Caseworker |
| 4. Parents | 10. Court Appointed Special Advocate (CASA) |
| 5. Parents' Attorney(s) | 11. Tribe |
| 6. Child's Guardian/Legal Custodian | 12. Indian Custodian |